

Remarks

Claims 1 – 38 were pending as of the time of the Office Action. By means of this amendment, claims 1, 3 – 5, 7 – 12, 15, 17 – 21 and 23 -31 are amended. Claims 2, 6, 13, 14, 16, 22 and 34 – 38 are cancelled. Claims 32 and 33 remain as originally presented. New claims 39 – 41 are added.

In the Office Action, all claims except 22 were rejected under section 112 due to the inclusion of automatic gain controlled amplifiers, which were not mentioned in the specification. This limitation has been removed, overcoming the rejection under section 112. Additionally, attorney for applicants has noted that the limitation to affirmatively blocking the input to components of the IMD is also not mentioned in the specification. The previously used terms "blank" or "blanks" have been returned to the claims. These terms are defined in the specification at paragraph 8 as disabling the components, which term is believed to include blocking their inputs but does not specifically disclose this function. Other amendments are made to provide consistency of usage and to address other issues noted by the attorney for applicants related to the wording of the claims. Entry of these amendments is believed proper as they are believed to make the claims unobjectionable under section 112 and are fully supported by the specification.

In the Office Action, Claims 1 – 21 and 23 – 38 were all rejected as anticipated by Foster, et al. or obvious over the combination of Foster, et al. and Abrahamson. All claims of the application have been amended to require that the IMD, responsive to a received control signal, blanks components of the IMD for a period of time beginning before and including the time of application of the radiation by an MRI device. Both Forest, et al. and Abrahamson disclose devices that have components blanked directly responsive to and only during actual application of the radiation by an MRI device.

Because both the Foster, et al. and Abrahamson devices lack the same element required by the claims, it is respectfully asserted that their combination cannot make the need for or the inclusion of the missing element obvious. This conclusion is bolstered by the fact that both references include programmers and MRI devices, yet neither suggests their inclusion in the blanking process in the fashion required by the claims.

For the sake of completeness it should be noted the embodiment of Figures 5, 6 and 7 of Foster, et al. does include an optical signal which precedes the beginning of blanking of the components. However, actual blanking cannot begin until the activation of the parallel resonant circuit responsive to and only during application of the MRI radiation, contrary to the claims as presently presented.

The claims as amended are therefore all believed allowable over the combination of Foster, et al. and Abrahamson. Newly submitted claims 39 – 41, dependant on the amended claims are believed allowable for the same reason.

Conclusion

Entry of the above amendments and consideration of the amended and newly presented claims is respectfully requested. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

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Respectfully submitted,

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